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ABSTRACT

This resource guide contains six units of study on citizenship education for use at the secondary level. The purpose of the units is to help students examine the political and legal processes of American society and the rights, responsibilities, and roles of its citizens. The units can be used as the basis for a one-semester elective course in social studies or they can be used individually to supplement a U.S. history course. The focus of the units is on law. Unit I, "Citizenship in a Democracy," examines the meaning and responsibilities of citizenship in a democratic society. In Unit II, "The Nature of Law," students inquire into the nature and role of law in our society. This unit attempts to show that law is important to the maintenance of our democratic society. Unit III, "Making and Changing Laws," examines how laws are made and changed by the legislature, administrative and law changing processes. A comprehensive study of how the law works to meet the needs of society and an examination of the role of the citizen in influencing our legal system are presented in Unit IV, "Our Legal Tools." Unit V, "Constitutional Law," examines the basic values--liberty, justice, equality, due process, privacy--that are contained in the Bill of Rights. Unit VI, "Practical Law," attempts to acquaint students with substantive knowledge of different areas of the law. The concluding lesson, "Future Perspectives on Law," is a summary of all the units. In addition, it examines future problems and solutions. Teaching methods include readings and classroom discussions, writing exercises, games, analyses of cartoons and newspaper articles, mock trials, and case studies. The units are comprised of key questions, generalizations, concepts, objectives, learning activities, and materials. (Author/RM)

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INSTRUCTIONAL MATERIALS/RESOURCES FOR HIGH SCHOOL CITIZENSHIP

by
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NATIONAL INSTITUTE OF EDUCATION

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CITIZENSHIP EDUCATION

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FOREWORD

This publication is designed to aid teachers who will be teaching a unit on citizenship education within the context of the American democratic society. Although it is comprehensive in scope and can adequately provide the content and organization of a semester course, teachers can readily focus on the key questions and concepts identified for each unit, and select those which complement and enrich their students' learnings acquired in the context of a U.S. history course. On the other hand, if a school determines that citizenship education can also be offered as an elective course in the social studies, this publication can adequately serve as a framework for such a course.

As a resource guide, this publication includes six units which follow the format of presenting the key questions for study, the generalizations, the concepts, and the objectives which all help to focus the unit of study. These are followed by suggested learning activities and resource materials appropriate for both teacher and student use.

This resource guide was written by Mrs. Jane Kinoshita, a social studies teacher, with the assistance of representative teachers in the field and curriculum personnel from the State and District offices.

CHARLES G. CLARK
Superintendent of Education

PREFACE

A Rationale for Citizenship Education in the Social Studies

Citizenship deals with people's values, ideas, emotions, and the choices that they make. It is concerned with their roles as decision-makers and inquirers. It focuses on the nature of humans and the laws they make, their relationship to others, their interaction with society and its leaders, and the values to which they adhere.

Citizenship in a democratic society and the issues of our time demand an informed citizenry which is dedicated to responsible action and to the basic American values of liberty, equality, justice, and rule of law.

Citizenship education in our American society faces the challenge of developing in our youth a firm commitment to the democratic heritage, preparing them for lives of constructive participation in a changing society. The strength and future of America depends upon such citizens.

Citizenship education should, therefore, help each student to gain the knowledge, intellectual skills, and commitment which will serve them as responsible individuals in a democratic society. It must also help students learn to assess issues and ideas within a framework of basic values and beliefs.

It should also help students gain an understanding of the choices which may shape the lives of Americans in the future and to gain an understanding of the processes of their democratic system in order to become effective and active participants in society.

The unit on citizenship presented in this publication focuses on the study of law, through which students can prepare themselves for responsible participation in their changing society. The purpose of such study is to help students acquire essential understandings of the democratic processes of their country, examine basic American values, examine their own values, analyze issues and make rational choices. It can also help students gain valuable perspectives about their society and about themselves as citizens in society.

Teaching About the Law

Young people today are increasingly called for greater activity in improving our institutions of government and, at the same time, are being given greater responsibilities at an earlier age than in generations past. We must, therefore, prepare them with the knowledge and understanding necessary to carry out these responsibilities.

Americans have held steadfast to the ideal that the individual can participate effectively in the democratic process only in the context of a system of laws. And whatever changes are made must be within this framework of law as it applies to our Constitutional form of government. The basic principles that pertain to these changes must be understood if we are to survive as a democratic nation. Thus, understanding the underlying principles of law in a democratic society is an essential component of preparing students for constructive participation in a changing society.

Every individual has a different viewpoint about the law. It can be seen as a set of technical rules and regulations, or a statement of lofty ideals, as an instrument of oppression or guarantor of justice, a mechanism for making problems manageable or itself a source of problems, or a combination of all of the above. But regardless of how we view the law, it is both a basic and pervasive factor of American society and affects everyone. The law touches all aspects of our lives and sets the societal framework in which we exist. One's ignorance or knowledge of the law and its operation in our contemporary society has significant ramifications in terms of both opportunities and pitfalls.

Citizens need to understand and know the law in order to use their legal and political systems as a viable means of maintaining their own rights and securing change. Effective political and legal action depends upon one's knowledge of the law and its processes and how these actually operate.

Law is a never-ending, always changing process and although it guides people, people must continually create and guide the law. Its purpose in a democratic society should be to serve the people. Thus, it is important that citizens think critically and rationally about societal problems and conflicts, know and understand the law and how it affects them, and constructively participate in society to promote liberty, justice, and equality.

INTRODUCTION

Citizenship is a study which examines the political and legal processes of American society and the rights, responsibilities, and roles of its citizens. It includes the following units:

Unit I: Citizenship in a Democracy
Unit II: The Nature of Law
Unit III: Making and Changing Laws
Unit IV: Our Legal Tools
Unit V: Constitutional Law
Unit VI: Practical Law

Concluding Lesson: Future Perspectives on Law

It is suggested that Units I and II be taught sequentially.

Unit I: Citizenship in a Democracy, examines the meaning and responsibilities of citizenship in a democratic society.

Unit II: The Nature of Law, inquires into the nature and role of law in our society. It attempts to show that law is important to the maintenance of our democratic society.

Unit III: Making and Changing Laws, examines how laws are made and changed by the legislature, administrative agencies, courts, and the executive. It also examines the role of citizens in the lawmaking and law-changing processes.

Unit IV: Our Legal Tools, presents a comprehensive study of how the law works to meet the needs of society. It also examines the role of the citizen in influencing our legal system.

Unit V: Constitutional Law, examines the basic values -- liberty, justice, equality, due process, privacy -- that are contained primarily in our Bill of Rights.

Unit VI: Practical Law, attempts to acquaint students with substantive knowledge of different areas of the law.

Concluding Lesson: Future Perspectives on Law, serves as a conclusion to the units and attempts to anticipate future problems and begin the design of alternative solutions.

The units are comprised of key questions, generalizations, concepts, objectives, learning activities and materials. These may not be all encompassing and teachers are to use their judgment in utilizing others.

Time allotments for lessons have not been specified. Teachers are to gauge the ability and interests of their students to determine the extent to which the key questions should be examined.

It is hoped that the ideas and suggestions in this guide will serve only as springboards to more relevant and creative lessons.

THE CHARACTERISTICS OF GOOD CITIZENSHIP

by John Sirica

"...basic qualities and values that should be possessed by every American citizen..."

1. A citizen must have a desire for unity. We can only progress if we approach our common goals with concerted action in a united effort.

2. Every citizen must be concerned with justice, both public and private justice. It is, perhaps, the essential fabric of good citizenship.

3. Every citizen must strive for peace and tranquility. We cannot progress socially or economically in a society filled with disorder and turmoil.

4. A citizen must be concerned about the defense of our country. This includes the defense of the principles of life and liberty which are provided for in our Constitution and Bill of Rights.

5. A citizen must have a true devotion to the general welfare, a desire to see that the happiness and prosperity of all Americans advances.

6. Every citizen should focus his mind and heart on liberty. It is upon our freedoms of choice, expression and action that our American way of life is based.

This requires that we participate in those activities which affect our liberty and involves our being active citizens.

Source: NASSP BULLETIN
Volume 60, Number 400
May 1976, pages 12-18.

Five Qualities of the Good Citizen

Citizen Education Study

1. The good citizen cherishes democratic values and bases his actions on them.

2. The good citizen recognizes the social problems of the times and has the will and the ability to work toward their solution.

3. The good citizen is aware of and takes responsibility for meeting basic human needs.

4. The good citizen practices democratic human relationships in the family, school, community, and in the larger scene.

5. The good citizen possesses and uses knowledge, skills, and abilities necessary in a democratic society.

Source: Elmer F. Pflieger, et al, Emotional Adjustment: A Key to Good Citizenship, pages xiii - xv.

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UNIT I: CITIZENSHIP IN A DEMOCRACY

Overview

Citizenship deals with people's values, ideas, emotions, and choices that they make. It is concerned with their roles as decision-makers and inquirers. It can be broadly defined as the relationship of individuals to their government, and to other individuals and groups in society.

This unit is an introduction to and an inquiry into the meaning and responsibilities of citizenship in a democracy. It attempts to define citizenship, identify the qualities of a good citizen, examine the underlying values of a democracy, and inquire into the knowledge, skills, and attitudes citizens must have in order to function effectively in our democratic society.

UNIT I: CITIZENSHIP IN A DEMOCRACY

What is citizenship?
What are the qualities of a good citizen?
What is the underlying value of a democracy?
What does a citizen have to understand, appreciate, and do in order to function effectively in our democratic society?

Generalizations

1. Good citizenship requires that we understand the workings of our democratic system, support the basic values of America as provided for in the Constitution and the Bill of Rights, and participate responsibly in the private and public arenas of our lives.

2. The quality of each person's citizenship has a profound effect upon all aspect of society.

3. The ideals of a democracy are based upon the belief in the dignity and worth of every human being.

4. Belief in human dignity requires that we attempt to solve our problems non-violently.

Concepts

1. Citizenship: Citizenship in our society is broadly defined as the relation of individuals to their government and to other individuals and groups in a democratic society.

2. Human dignity: Each person is unique and worthy.

Objectives

1. Identify the characteristics of good citizenship and explain their significance in a democratic society.

2. Demonstrate how the quality of people's citizenship affects other people and evaluate the quality of the student's own citizenship.

3. Relate belief in human dignity to the ideals and practices of a democratic society.

4. Examine responsible citizenship behavior in a global society.

5. Participate in a non-violent conflict resolution process.

6. Exhibit good citizenship by participating in class and allowing others to participate.

LEARNING ACTIVITIES AND MATERIALS

Objective 1

1. Have students discuss their ideas of a good citizen. In small groups, discuss the following statement: A good citizen is orderly and obeys the law at all times.

   Lead the discussion to students' ideas of a good citizen. Questions to ask: What should they know or understand about our society? Why? How should they behave towards law and government and towards other people? Why?

   (Or discuss various actions of people in the news and have students examine whether those actions constitute good citizenship.)

   Hand out "The Characteristics of Good Citizenship" or "Five Qualities of the Good Citizen" (included at the beginning of this unit) and compare with students' ideas.

   Have students hypothesize: Citizenship deals with .....

2. As a follow-up to the above activity, have students start a class or school project to recognize the best citizen in the school. Have students decide on the criteria for a good citizen in school.

Objective 2

1. Write the definition of citizenship on the blackboard. Have students dramatize real life incidents showing the effect of the quality of someone's citizenship (good or bad) upon another person. Or have students write short scenarios.

2. On a continuum of 1 to 10, have students indicate the quality of their own citizenship and explain its place on the continuum. Students may also indicate the areas they would like to improve.

Objective 3

1. Discuss the Declaration of Independence: The United States was founded on principles stated in the Declaration of Independence: "We hold these truths .....(to) .....effect their safety and happiness."

   a. Why are these rights said to be unalienable? How is human dignity involved?
   b. If you do not believe in a Creator, can you still believe in unalienable rights?
   c. How is democracy related to these principles?

   Or, hand out the above Declaration of Independence, Preamble to the Constitution and Pledge of Allegiance to the United States

Flag. Examine the values that are discussed. Is our government carrying out these promises? How?

2. Discuss current news events and relate the actions of the people to their belief (or non-belief) in human dignity.

Objective 4

Given the present world conditions (economic, environmental, etc.), have students suggest elements of responsible citizenship in a global society. To what extent are we as individuals and as a nation demonstrating responsible global citizenship?

Objective 5

Have students participate in a no-lose conflict resolution process. (See Howe, Personalizing Education: Values Clarification and Beyond, pages 75-79 for sample conflict situations and details of the following Five-Step Process for Resolving Interpersonal Conflicts.)

Students may suggest interpersonal conflict situations to be resolved using the following steps:

1. Formulate a Statement of the Problem. Each person involved in the conflict makes a statement from personal viewpoint. It is important that they avoid blaming, judging, or name-calling.

2. Clarify the Dimension of the Conflict. Note the specific areas of agreement and disagreement. Questions asked should be of a clarifying nature.

3. Brainstorming All the Possible Solutions to the Conflict. Suggest as many solutions to the conflict as students can think of. Do not judge or evaluate the suggestions. Accept all ideas.

4. Identify the Consequences. Select the most viable solutions and identify the consequences. Both the positive and negative consequences of each alternative solution should be listed.

5. Choose a Mutually Acceptable Solution. Together evaluate each of the alternative solutions and select one that is mutually acceptable. If no solution is mutually acceptable return to steps 2 and 3 and repeat the process until both sides arrive at a satisfactory solution.

Have students share their conflict situations and solutions with the class. Conclude with "I learned ....." statements about the activity.

Discuss: How is conflict resolution related to citizenship?

Teacher Reference:

Howe, Leland W., et al, Personalizing Education: Values Clarification and Beyond, New York: Hart Publishing Co., Inc., 1975.

UNIT II: THE NATURE OF LAW

Overview

Democratic society is a society based on law. The law touches every aspect of our lives, sets the societal framework in which we live, and is important to the maintenance of our society.

In a democracy, law is a facilitating as well as a restrictive tool and can be used to meet the fundamental needs that arise in every society and to promote justice, liberty, and equality.

However, the law is not self-executing. The people must guide the law. And in a democracy, the law is constantly being changed and challenged as it reflects the citizens' values and interests.

This unit attempts to inquire into the necessity of law, examine the nature of law (what it really is), identify and analyze the role of law in our democratic society and its impact on our lives.

UNIT II: THE NATURE OF LAW

Is law necessary?
What is the nature of law?
What is the role of law in our democratic society?
Toward what ends should law be used?
How does law affect our lives?
Is the law itself a problem?

Generalizations

1. Law is universal and is a basic and pervasive force in our modern society.

2. Democratic society is a society based on the rule of law. Law is important to the maintenance of democracy and protects the following essential ideas that affect every American citizen: freedom to openly communicate, associate, worship, and inquire; concern for equal protection, fair procedure and justice; protection of persons, their privacy and their property.

3. In a democracy, law is a facilitating as well as a restrictive tool. It can be used to meet the following fundamental needs that arise in every society: to prevent harm, to provide for the resolution of conflicts, to provide guidance for regulating social action, and to provide goods and services.

4. Laws in general should meet the following criteria:

   a. Laws should be precise and understandable to those expected to follow them.
   b. Laws should be fair and should not discriminate.
   c. Laws should be acceptable to the citizens.
   d. Laws should be enforceable.
   e. Laws should protect the general welfare of the members of society.

5. Law is not static, but is constantly being challenged and changed, reflecting the changes in society and in the values of mankind.

Concepts

1. Law: Rules that are enforced through a central authority;

   Set of rules and regulations by which a society regulates the conduct of the people within it.

Objectives

1. Define law and illustrate the pervasiveness and impact of law in our lives.

2. Explain the necessity for laws in our society.

3. Identify the functions of law in our society.

4. Compare the functions of law in a democratic society and the functions of law in a police state.

5. Identify the criteria for laws.

6. Explain why laws change.

7. Consider limitations of the law and recognize the problems that need to be solved by individuals or groups acting on their own.

8. State generalizations about the nature of law (what it really is).

LEARNING ACTIVITIES AND MATERIALS

Objective 1

1. Have students write 15 accounts of their day's activities from the time they wake up to ..... (specify a time or specify certain times). Discuss each instance in which law is involved. For example: Brush teeth -- toothpaste must conform to national standards; Get dressed -- fiber content on labels of clothing are required by law; Eat cereal -- the quality, production, packaging of the cereal is regulated by law; etc. (If appropriate, discuss function of the law.) Or hand out "A Day in the Life of Tom Phillips," Social Education, March 1977, page 170 and follow teaching procedures.

   Or give students samples of a birth certificate and a death certificate. Have students list all other forms that a person will probably fill in during a lifetime. Discuss how law is involved.

2. Discuss: Are all these laws necessary?

3. Have students make a collage illustrating the ways laws affect their lives or write an essay about the impact of law on their lives.

Objective 2

1. Play the "Paper Clip Game", a game without rules.

   a. Hand out several paper clips to students and have them play the game. (There are no rules and none should be given.)
   b. Have students suggest rules for the game. List all suggestions.
   c. Create a team relay situation, but interrupt the game with additional rules.

   At the end of each play or round, have students assess what occurred and suggest ways to improve the situation.

   Evaluate from the students' experiences the need for laws, the quality of the laws (e.g., fairness), characteristics of the nature of law.

See Social Education March 1977, page 172 or Newman, Teacher's Manual of Street Law, pages 17-19.

Or give students a hypothetical situation: The principal is willing to suspend the school rules and regulations for the rest of the month (year?) with the consent of the majority of the students. How would you vote? Why?

Are school rules and regulations necessary? What functions do they serve? What are the consequences of not having the specific rules? Are there any rules you feel are unfair? What can you (as a good citizen) do about any rule you feel is unfair?

Who enforces the laws of the school? Is that law necessary?

2. If we were all "good" people, would we still need law?

3. Consider other non-legal substitutes for law, such as desire for approval, moral standards. Discuss why they would not work well to prevent harm.

   See AMERICAN LEGAL SYSTEM, Summers, Unit 1: Society's Need for Law, pages 7-11.

Objective 3

1. Have students list examples of different kinds of laws or hand out a list. (See Newman, Street Law, for examples of criminal laws, regulatory laws, laws providing for public benefits, laws providing for resolution of conflict, etc.) Have students discuss the need and function of each.

2. Select a law and evaluate the effectiveness of the function of the law.

   See AMERICAN LEGAL SYSTEM, Summers, Unit 1: Society's Need for Law, pages 11-64.

Objective 4

Using relevant cartoon or newspaper article, have students compare the function of law in a democratic society and the function of law in a police state. E.g., examine use of law for political ends in Nazi Germany, South Africa.

Objective 5

1. What is the relationship between belief in human dignity and the goals of law in a democracy? (Refer to Unit I, Learning Activity Objective 4).

   Or give students a list of laws and have them decide if the laws are very necessary, necessary, not very necessary, not necessary at all, or if they are undecided.

Categorize the laws according to the students' responses.

Compare and contrast the laws in the different categories.

Discuss what qualities a "good" law should have.

See Social Education March 1977, pages 172-173 for list of laws and teaching procedures.

Objectives 6 and 7

1. Ask students for examples of changes in the law. Discuss reasons for the change and students' viewpoints of the issues involved. E.g., laws on abortion, civil rights for blacks, equal rights for women.

2. Discuss how laws that are ineffective, lack public support, or are seen as unfair often cause other problems in society. For example, what problems did the prohibition laws cause? Or use current issues to discuss how the law itself may be a source of problems.

BIBLIOGRAPHY OF TEACHER REFERENCES AND LEARNING MATERIALS

Teacher Reference:

Social Education, Volume 41, Number 3 (March 1977). This issue contains a section on "Law-Focused Education: Practical Ideas for Classroom Teachers." It includes sample lessons and teaching strategies for various concepts of a law studies curriculum, and curriculum resources for law related education for teachers and students.

Student Materials:

THE AMERICAN LEGAL SYSTEM. Summers, Robert S., et al. Ginn and Company, 1974. Unit 1: Society's Need for Law.

Newman, Jason, et al, Street Law: A Course in Practical Law. West Publishing Company, 1975. Teacher's manual.

UNIT III: MAKING AND CHANGING LAWS

Overview

The needs and values of society are not static, but are dynamic and change over time. Thus our laws and processes must be dynamic and subject to change if they are to be effective in meeting the needs and promoting the values of our society.

In a democracy, changes in the law and its processes can be made when the people initiate and support such change. Effective political action, either to maintain or change the status quo, depends upon a knowledge of how the system actually operates.

This unit attempts to examine the political process: Who has the power, authority or influence in making laws, how the laws are made, and how they are changed. It also inquires into the citizen's role in the political process and examines alternative avenues of securing change.

UNIT III: MAKING AND CHANGING LAWS

Who makes the laws?
Who has influence and power? How are these used?
How are laws made?
How are laws changed?
What is the role of the citizen in lawmaking? In changing the law?
How can we improve the lawmaking process?

Generalizations

1. Laws and legal processes must be dynamic and subject to change if they are to be effective in meeting the social needs and promoting the social values of our changing society.

2. Laws evolve from the values that people hold important and are made by the legislature, the administrative agencies, the courts, and by the executive.

   a. The legislature is the lawmaking body of the government. Many things affect legislators' voting: political beliefs, the influence of the executive, campaign promises, instructions from party leaders, committee recommendations, friendships, bargains, compromises, their constituency, and the issue itself.

   b. Administrative agencies are parts of the government which have been created to deal with specific issues. Their rules and regulations as well as their decisions are all part of the law.

   c. Courts make law by interpreting it in a way that changes it.

   d. The executive makes laws through legislative proposals which come from assistants, advisors, and executive agencies and which become part of the legislative agenda.

3. Citizens and interest groups can influence the general direction and course of government.

4. Effective political action, either to maintain or to change the status quo, depends upon a knowledge of how the system actually operates and can be accomplished when the people initiate and support such action.

5. Civil disobedience is recognized as a valid means of effecting change of an unjust law. And those who civilly disobey must consider all the attendant consequences of their actions.

6. Law offers a viable alternative to, and should be given priority over, resorting to violence in order to prevent or promote social change.

7. Some rules and procedures seek to ensure the rights of the people in the process of change. Hence, change in a democracy is often slow.

Concepts

1. Lawmaking: Process of making and changing laws.

2. Civil disobedience: Dissent because of one's principles, deliberate violation of a law one considers unjust.

3. Influence: Power to produce an effect.

4. Politics: Competition between individuals or interest groups for power or leadership in government or other groups.

Objectives

1. Identify how laws are made and evaluate and describe the law-making process.

2. Explain how politicans, groups, and citizens use influence to achieve their goals.

3. Participate in the lawmaking process.

4. Demonstrate awareness of the citizens' role in the political process and in supervising the actions and decisions of our legislators and officials.

5. Explain the role of civil disobedience in a democracy.

6. Identify alternative tactics for securing change and resolving conflict and develop criteria for evaluating the tactics.

LEARNING ACTIVITIES AND MATERIALS

Objective 1

1. Have students examine school rules. Who makes them? Who should have a voice in determining the school rules? Is change in the procedures desirable? What can you do?

2. Analyze and discuss the role of the legislature, executive, and administrative agencies in making laws. Use relevant newspaper articles. How is lawmaking involved?

   Have a class hearing and follow-through on a legislative bill. What/who are the interests involved?

   How are they influencing the lawmakers or officials? Are the rights of all the people being considered in the process? Any suggestions for improvement?

3. Use a case study to see the role of the court in making laws. Use any case that came before an appellate or Supreme Court. How did the Court make law in the case?

4. The Food and Drug Administration has the power to restrict the kind of foods and drugs we consume. Use a current issue to discuss the purpose and lawmaking power of the FDA. For example, should saccharin (or laetrile) be banned? What are the issues and interests involved? What is the FDA's position? What led to that position? Why does the FDA have such lawmaking powers? Should any of the rules or law under which they operate be changed?

AMERICAN LEGAL SYSTEM. Summers, Unit III: Law and Social Change, pages 17-47. This unit includes legislators, courts, regulatory agencies, and citizens as lawmakers.

Cutler, Congress in Action: The Politics of Lawmaking.

Miller, Courts and the Law, AEP Unit Book, pages 9-27, discusses where law comes from.

Teachers may also use units in American history or government textbooks that are relevant.

Objective 2

1. Discuss the methods politicans use to influence voters and achieve other goals. Examine the actions of the mayor, governor, other elected officials in influencing people.

   See SCHOLASTIC CITIZENSHIP PROGRAM, Jantzen, Politics and People. Pages 7-23 discuss what is political, and pages 101-115 discuss the question: Pressure Groups - Should you join one?.

2. Research the role of lobbyists in Hawaii in either promoting or killing a bill.

Objectives 3 and 4

1. Have students write a bill or resolution to submit to the principal (or parents) and go through the legislative process.

   Or work with a member of the State House or Senate and submit a bill or resolution to the legislature. The following is a general form for a bill or resolution. The body (whereas ...) would include all the pertinent facts and reasons for the action you feel should be taken which would be described in the conclusion (Be it resolved ....).

Title

Whereas _____

_____

Whereas _____

_____

Be it resolved _____

_____

Or get copies of bills or resolutions from the printing office of the State Capital to use as models.

2. Have students analyze presidential campaigns and elections.

   a. To introduce students to the idea that the same message will have different effects on different people depending upon their prior attitudes, have students keep track of the political commercials they see on television. They might be assigned to record (1) the information conveyed, (2) the "image" conveyed, (3) their own reactions to it.

   b. Discuss "winner-take-all" feature of the Electoral College and its impact in campaign strategies of candidates.

      See "How to Teach About Presidential Elections in the United States," Social Education October 1976, pages 354-359 for more details. The article presents various aspects of the campaign and election: (1) explaining the election outcome, (2) the impact of the mass media on the voters, (3) public opinion polls, and (4) the connection of electoral and popular votes.

      See SCHOLASTIC AMERICAN CITIZENSHIP PROGRAM, Jantzen, Politics and People, pages 59-77. This section focuses on the Kennedy-Nixon contest and provides an exercise for students: Should the electoral system be changed? If so, how?

3. Have students make, judge, and influence political decisions.

   a. To introduce students to the idea that we are all makers of political decisions, have them examine the following definition of political decisions and give examples of political decisions that affect them.

      Political decisions are collectively binding choices about the governance of groups.
      Political decisions make rules, set goals, or distribute goods and services for members of a group.

b. Discuss how people attempt to influence the political decisions of others, in their own groups or communities. Use current issues. (For example, Kahoolawe, People Against Chinatown Eviction, Kahe Point Amusement Park).

What is the issue? Who has interest in the issue? What is the source of the conflict? What are the alternative choices and consequences? Is any party attempting to influence the political decisions of others? How? Are there alternative ways of exerting influence? What do you think is the right solution? Explain.

If appropriate, have students write letters to their legislators. The following are guidelines in writing to legislators:

1. Find out the legislator's own position on the issues that concern you. Then make your position clear on the basis of solid facts that substantiate your argument. A letter showing understanding of the legislation is appreciated more than a letter which is wholly emotional.

2. Don't ramble. Be specific and to the point.

3. Limit your letter to one or two topics.

See Social Education October 1976, pages 360-365 for further details about making, judging, and influencing political decisions. A sample lesson in decision-making is included.

See Social Education October 1976, pages 379-384 for teaching about judging presidential decision-making.

4. Have students make decisions about participating in elections.

a. Have students discuss: Should one vote? What are the costs/benefits of voting? of not voting?

b. Have students brainstorm and then role-play the various ways citizens can participate in electoral politics.

Some examples are: Being a candidate for office, canvassing the neighborhood, attending a rally, wearing a political button, having political discussions, following politics in the media. If they wish, students can campaign for the candidate of their choice.

c. Voting is basic to the role of the citizen in a democracy. To help students learn how to decide systematically for whom to vote, ask them to think about the candidates in terms of the following questions: (1) What programs, goals, and values does the candidate support? Do I agree with them? (2) Is the candidate influential? Can he/she get the job done if elected? (3) Is the candidate reliable and trustworthy? (4) Can one's preferred candidate be elected? If not, should one vote for another candidate?

See Social Education October 1976, pages 366-372 for more details on making decisions about participating in elections.

d. Project PAVE (People and Action in Voter Education) - A Unit of Study in Voter Education and Citizenship Responsibility is a resource guide which includes detailed learning activities and resource materials and readings. The units are especially appropriate for this unit and include the following:

(1) Student Power - You Can Make A Difference
(2) Apathy vs. Activity - Let's Fight "City Hall"!
(3) Vote - Let's Make It Count!
(4) Coalitions and Campaigns
(5) Legislators and Lobbying
(6) Accountability - Keeping An Eye On The "System"

This unit is available from the Lieutenant Governor's office.

5. Have students examine other participant roles.

Role-play the participant roles which are fundamentals of a democracy: observer, supporter, advocate, organizer. Students may observe the roles of leaders or groups in the community and examine the extent and ways of participating in society. Examine the role of news reporters as observers, supporters, advocates, or organizers. Examine the role of Ralph Nader as advocate.

Use current issues and have students role-play the various ways they can get involved.

See: Social Education October 1976, pages 373-378 for further details on teaching political participation skills.

See: SCHOLASTIC CITIZENSHIP PROGRAM. Jantzen, Politics and People, pages 85-98. This section includes an example of civic action and discusses responsibilities of a citizen.

Objectives 5 and 6

1. Discuss latest incident of dissent or protest. Lead discussion to key questions such as: What is the motive for dissent? Is it a positive force in our society? Should limits be placed upon dissent? What should be done about dissent and dissenters?

2. Have students discuss a situation, law, or policy which they want to change. Have students suggest all the alternative tactics or hand out appropriate items from the following list. Have students rank the items from most effective to bring about change to least effective and explain their choices.

Tactics for Securing Change or Resolving Conflict

a. Leaving the State/County
b. Speaking out against the policies or actions with which you disagree
c. Voting against government officials
d. Threatening others with physical harm
e. Refusing to vote
f. Using violence
g. Picketing City Hall (or State Capitol)
h. Breaking or disobeying the law one considers unjust
i. Writing letters -- to officials, newspapers
j. Strike
k. etc.

Using the same list, have students rank the items from the most desirable tactic to least desirable and explain their choices. Compare students' responses to the two lists.

See AMERICAN LEGAL SYSTEM, Summers, Unit III: Law and Social Change, pages 48-63.

3. Discuss current acts of dissent or civil disobedience, such as people resisting eviction orders, actions of Kahoolawe Ohana members, etc. Questions to ask:

   What type of tactic was used? by whom? for what purpose? Before what body was the tactic used? What was the outcome of the action? Do you approve of the action? Are there other alternatives that could have been taken? Do you suppose these would have been effective?

4. Have students read "When Is A Law Unjust?", an excerpt from Martin Luther King, Jr.'s "Letter from Birmingham Jail ...".

   Discuss: What is an unjust law? Should people breaking a law they feel is unjust be willing to accept the consequences of their actions?

   Source: INQUIRY INTO CRUCIAL AMERICAN PROBLEMS, Kane, Voices of Dissent: Positive Good or Disruptive Evil?, pages 108-9.

5. Have students read "Civil Disobedience Has A Long and Honored History."

   Discuss: What rights and responsibilities should the press have?

   Source: INQUIRY INTO CRUCIAL AMERICAN PROBLEMS, Kane, Voices of Dissent: Positive Good or Disruptive Evil?, pages 111-112. This article discusses freedom of the press in terms of the right of public to a free flow of information and ideas and the plight of the reporter in refusing to reveal his sources of information in court.

6. Have students discuss: Is violence a part of the reality of life? When, if ever, is violence justified? Should law allow for violence?

   See INQUIRY INTO CRUCIAL AMERICAN PROBLEMS, Kane, Voices of Dissent: Positive Good or Disruptive Evil?, pages 112-114, for article "Is Violence Ever Justified?"

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UNIT IV: OUR LEGAL TOOLS

Overview

Law in American society is more than a series of rights, obligations, and regulations. It can be viewed as society's legal tools to be used in improving the quality of life of its citizens. The law provides Americans with a mechanism with which they can seek to resist injustice, to resolve disputes, and to secure change within their society.

While law is a useful tool, it cannot do everything. Law has limits and cannot solve all problems.

This unit attempts to examine how the legal tools or mechanisms of law can be used to meet the needs of the people. It inquires into the roles of the private citizen and public officials in influencing, activating, and operating the legal system, and also considers the limits of law and why it does not always succeed.

UNIT IV: OUR LEGAL TOOLS

What legal tools does our society have to meet its needs?
What are the roles of the citizen in influencing and operating our legal system?
What are the limits of law?

Generalizations

1. The private arranging technique allows and aids private individuals and groups in dealing with one another. It helps further the purposes of private citizens and organizations.

2. The public benefit technique provides our society with public goods and services financed by taxes.

3. Regulatory law and its processes serve to control activities of private individuals, groups, and governmental bodies by regulatory standards for the public interest.

4. The criminal justice process and the lawsuit are format legal processes for handling legal disputes.

5. A legal tool is without value unless people get involved and put it to work. Legal officials, private citizens, and private organizations all play major roles in utilizing the tools of law.

6. There are limitations to what the law can accomplish.

Concepts

1. Legal tools (or legal techniques): Legal mechanisms or resources.

2. Private arrangements: Arrangements (contracts or agreements) that are entered into by and between private individuals or groups without the government as a direct party to the arrangement (e.g., marrying, buying a car, accepting a job).

3. Public benefit technique: Legal technique used to provide public benefits through direct governmental action and financed by taxes (e.g., highways, social security, welfare, education).

4. Regulatory technique: Legal technique to regulate activities of private individuals, groups, and governmental bodies.

5. Criminal justice process: Everything that happens to a person from the time he is arrested until he is free from the control of the government.

6. Lawsuit: Procedure through which a person with a claim can institute action for justice in a court of law.

Objectives

1. Identify private arrangements that the law allows and explain how the law supports the private arrangements of the individuals or groups involved.

2. Identify public benefits and explain the role of the citizen and officials in the process of authorizing and administering a public benefit. Explain the problem of providing for fair distribution of public benefits.

3. Explain the purpose of the regulatory technique. Analyze the effectiveness of providing and enforcing regulatory standards in order to promote health, safety, fair dealing and efficiency in our society.

4. Examine the court system and its processes as a way of settling conflicts.

5. Examine how the criminal justice system handles those accused of crime and examine the rationale underlying the criminal justice processes.

6. Explain how the lawsuit works to solve problems or change the system.

7. Explain the limitations of law.

8. Examine the complex problem of what is fair and the practical problems of how to change the system.

LEARNING ACTIVITIES AND MATERIALS

Objective 1

1. Hand out a list or have students brainstorm examples of private arrangements. For example, a social club, an employment contract, a sales contract, last will and testament, marriage, setting up a store.

   Discuss: Why do you suppose the law allows for these private arrangements? How is the law involved in these private arrangements? How does the law support such private arrangements? Should there be any changes?

2. Have students examine rules of validation or legal standing (of marriage, wills, contracts, etc.) Are there procedures which must be followed to make the action legal? Are these rules of validation necessary? What problems may arise in an invalid arrangement?

3. Have students make their own private arrangements following rules of validation if applicable. Students could make a will,

a marriage contract, a contract with the teacher, etc. Examine what factors will make for the success of the private arrangement.

4. Compare the extent of private arrangements that are permitted in the United States with other non-democratic countries such as South Africa, Russia, etc.

See THE AMERICAN LEGAL SYSTEM, Summers, Unit II: The Techniques of Law, pages 6-16.

Objective 2

1. Have students select a public benefit (e.g., welfare, social security, education, highways, etc.) and find out what bodies authorize and administer the public benefit. What role do private citizens play? How effective is the benefit in solving one or more social problems? Are there problems in the distribution of the benefit? What are the alternative solutions to the problem? Select the most feasible solution after considering the consequences of the alternatives.

See THE AMERICAL LEGAL SYSTEM, Summers, Unit II: The Techniques of Law, pages 17-31.

2. Examine a contemporary proposal of a public benefit. Use the discussion/analysis approach as outlined.

Discussion/analysis approach to public policy problems

1. The Issue: Identify or define the issue.

2. The Sources of Authority: Identify or specify who or what organization or institution sets the policy and has the power to change it.

3. The Interests: Identify or specify the groups or categories of people with an interest in the issue.

4. The Alternatives: Propose or discover solutions to the problem. Consider the consequences of each.

5. Proposed Solution: Select the most feasible solution after examining a range of alternatives.

6. What course of action can I take to accomplish the goal?

Objective 3

1. Have students suggest what areas of our society or lives are regulated by law.

Compare students' responses with the list in the telephone book

in the Hawaii State Government section under the heading "Regulatory Agencies ....."

Questions:

1. Do you think all those listed should be regulated?
2. Are there other activities which should be regulated?
3. How do regulatory laws provide guidance and prevent harm?

See THE AMERICAN LEGAL SYSTEM, Summers, Unit II: The Techniques of Law, pages 32-46.

Objective 4

1. See Miller, Courts and the Law, AEP Unit Book. Pages 6-8 discusses why we have courts and pages 28-30 discuss different kinds of courts.

2. The purpose of the small claims court is to provide a friendly forum for the litigation of cases that have high personal importance and involve little money.

   Have students list the advantages of the small claims court. Should all criminal and civil cases be tried similarly?

   Set up a hypothetical case with students and see if the problem can be solved in other ways.

   See Newman, What Everyone Needs To Know About Law, pages 18-20.

   See Niemark, Know Your Legal Rights: Practical Everyday Legal Rights, page 863.

3. Have students research and discuss any of the following:

   - the administration of a court -- purposes, procedures
   - various kinds of courts -- why each exists and how justice is administered
   - participants in a trial -- who is involved, how, why
   - policy questions such as:
     - How should judges be selected?
     - What should a jury be like?
     - Should lawyers defend people they know are guilty?
     - How should the courts be changed?

   Source: Gerlach and Lamprecht, Teaching About The Law, page 114.

Objectives 5 and 6

1. Have class discussion on what students already know about the criminal justice system. Keep in mind that answers change as society changes. Questions to ask:

   a. When is a person under arrest?
   b. Who can arrest you?

c. What are you supposed to do if you're arrested and are innocent?
d. What are your rights if you're arrested?
e. What is bail? What is the purpose of bail? Is it fair to the rich and poor alike?
f. What is plea bargaining? Is it a good way to bring about justice? Is there a better way?
g. What is the function of a court?
h. What is the role of the lawyer?

See Newman, Street Law. Pages 39-60 contain the criminal justice process.

2. Conduct a field trip to the court. Call the court to find out what is on the calendar and prepare students for what they will see.

3. Conduct a mock trial (trial to determine innocence or guilt). Mock trials should be used to help students raise questions and make judgments about the adversary system, the rules of evidence, the jury system, and the trial process itself as a method of determining innocence or guilt. Thus, the debriefing or analysis of the mock trial is the most important process of the mock trial.

See Newman, Street Law, Teacher's Manual. Pages 30-37 present "Introduction to Law Mock Trial".

See Gerlach and Lamprecht, Teaching About The Law. Pages 235-253 discuss procedures for the preparation, enactment, and debriefing of a mock trial and include a case which can be used for a mock trial.

See Miller, Courts in Action, AEP Unit Book. Pages 30-45 illustrate a court in action in a criminal trial.

4. Conduct a moot court (court designed to correct the errors of the trial courts).

See Gerlach and Lamprecht, Teaching About The Law. Pages 253-262 include procedures for the preparation, enactment, and debriefing of a moot court. A case which is designed for a moot court enactment is also included.

See Social Education (March 1977). Pages 175-176 contain a lesson using the moot court procedure.

5. Other materials applicable to these objectives: Oliver and Newman, The Lawsuit, and Rights of the Accused, AEP Unit Books.

Objective 7

1. Discuss limitations of the laws: For example, prohibition of alcoholic beverages (lack of public support), issues of fair play vs. free press, privacy vs. effective crime control (conflict between social values), and imprisonment for crimes (limited effectiveness of sanctions).

   See AMERICAN LEGAL SYSTEM, Summers, Unit V: The Limits of Law.

2. Discuss schools' rules that are ineffective. Why are they ineffective or unenforceable? How can the problem be resolved?

3. Use articles from newspapers and discuss why the law was not effective in preventing harm, in providing for resolution of conflict, in regulating social action for the good of individuals and society, or for providing for goods and services.

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UNIT V: CONSTITUTIONAL LAW

Overview

Throughout almost every aspect of their lives, American citizens are affected by four major ideas that are protected by the Constitution. These ideas or ideals include (1) the freedom to openly communicate, associate, worship and inquire; (2) fair procedures and the pursuit of justice; (3) the concern for equal protection and the dignity of every individual; (4) the protection of persons and their property.

But these ideals require more than respect. The meaning and scope of liberty, justice, and equality must continually be analyzed and reinterpreted as society and its circumstances and values change.

Individual rights are not absolute and must be balanced against the rights and interests of others in society. Thus, the issues of Constitutional law force citizens to analyze value conflicts. As these conflicts are usually between two desirable values, the ensuing problem is to decide which one is more important, given a particular set of circumstances, time, and place. This necessitates understanding and clarifying one's own values, attitudes, beliefs, and opinions and of those held by others.

The attitude developed by such law studies should be one of honest inquiry. Honest inquiry is a never-ending search for answers to important questions.

This unit attempts to examine the basic values of American society, to identify and analyze value conflicts, to clarify attitudes and values and develop an attitude of inquiry.

UNIT V: CONSTITUTIONAL LAW

What is justice? liberty? equality? How are these values protected?
What are some conflicting rights and interests?
How are they balanced?

Generalizations

1. Law serves to protect basic values (rights and freedoms) of the governed by defining and limiting what actions of officials will be authorized.

2. These basic values include liberty, justice, equality, due process, and privacy and are protected in the Constitution and the Bill of Rights.

3. Free expression is an essential aid to intelligent choice. Without this freedom it would not be possible to explore all alternatives, to hear all viewpoints, and to gather all relevant data.

4. The purpose of due process rights is to ensure fairness and justice by limiting the power of officials.

5. The process by which a person is brought to justice is as important as justice itself.

6. The equal protection clause of the 14th amendment extends the guarantees of the Bill of Rights to all people of the states.

7. The United States Constitution does not mention a specific right to privacy. The right can be inferred from the Fourth Amendment which includes the right of the people to be secure ... against unreasonable searches and seizures.

8. Improvements in technology have led to conflicts regarding the right to privacy.

9. Individual freedoms are not absolute but must be balanced against the rights and interests of others in society. The decisions of our courts reflect this need to balance conflicting rights and interests.

Concepts

1. Liberty: Freedom. This concept is found in Amendment 1 which protects freedom of expression.

2. Freedom of expression: The right to speak or write freely on any subject provided such activity does not adversely violate some superior interest of the state.

3. Justice: Quality of being fair, impartial, just. Amendments 4, 5, 6, 8 guarantee each person a fair trial.

4. Due Process: Those laws and legal or official practices necessary to guarantee justice. These rights are found chiefly in Amendments 4, 5, 6, 8, and 14 and guarantee that an individual cannot be deprived of life, liberty, or property by an arbitrary act of government. (There is a distinction between procedural due process and substantive due process. Liberty Under Law, AEP Unit book, pages 29-30, gives these definitions: Procedural due process concerns itself with the manner in which governmental power may be exercised and substantive due process concerns itself with whether or not the substance of the law itself is fair, reasonable, and just.

5. Privacy: The right of individuals to determine for themselves when, how, and to what extent information about them is communicated to others. The Fourth Amendment's prohibition against unreasonable searches and seizures and the Fifth Amendment's privilege against self incrimination protect the privacy of the individual.

6. Equality: Concern for equal protection and the dignity of each individual.

Objectives

1. Identify and evaluate the basic values that are protected by the Constitution and the Bill of Rights and explain how these values are protected.

2. Regard the diversity of views, no matter how unpopular, as necessary to true freedom of choice, by allowing all views to be heard.

3. Explain the relationship between free expression and intelligent decision-making.

4. Identify and balance the conflicting interests and values of an issue and arrive at a socially acceptable solution.

5. Identify due process rights and explain their relationship to fairness and justice.

6. Recognize incidents of injustice and explain one's viewpoint.

7. Describe how the equal protection clause of the Fourteenth Amendment has been particularly helpful to minority groups and others in improving their opportunities in voting, housing, education, and employment.

8. Describe how technological progress brings increasing threats to personal privacy.

9. Demonstrate expanded tolerance of the constitutional rights of others.

10. Justify his/her position on the basis of rational thought.

INSTRUCTIONAL STRATEGIES

A. Case Method

This method is useful for instilling awareness of fundamental concepts and developing analytical skills in students.

The objective is not to have the students learn correct answers, but to analyze various positions or take positions and justify them.

Select legal cases to illustrate how legal principles (e.g., freedom of expression) have been applied to specific legal disputes (e.g., should high school students be allowed to publish anything in their school newspaper?).

Consider the following:

1. Review of the Facts: What are the important facts of the case?

2. Investigation of Issues: What legal issues are involved? What arguments might be presented?

3. Consideration of Decision and Reasoning: What would you decide? Why? What was the court's decision? What were the reasons for the court's decision?

4. Implications of the Decision: What effect will the decision have in our society?

See Gerlach and Lamprecht, Teaching About The Law, page 152.

Variations of the Case Method:

1. Give students parts of the above steps and have them furnish the rest.

2. Critical Incident approach.

   The teacher might use a real or hypothetical story which presents a situation in which the specific legal issue is confronted. It can serve as a launching pad for further investigation.

   For example, use simulated or real newspaper articles with accompanying "letters" to the editor." Facts and opposing viewpoints should be included.

   General guidelines:

   1. After students have read the situation, allow a short time for clarification - of facts, terms, etc. Discuss the issues involved. Ask students what they feel about the issues involved.

   2. Have students decide what they feel should be done or which one policy is best.

3. If an official decision has been made, analyze the reasons given and compare with the students' decision.

See Social Education March 1977, page 171 for a sample lesson.

3. Hypothetical situations may be used following the study of an actual case. Students are given several short hypothetical situations and are asked to apply some aspect of the law to each.

Questions:

1. Is the action in each case permissible according to the decision (of the case previously studied)?

2. Are there other situations that should be considered?

For further details and examples, see Gerlach and Lamprecht, Teaching About The Law, pages 159-161.

B. Case Study Method

This approach consists of an examination of several similar cases or laws decided over a period of time. It encourages students to investigate and consider the political, social, and economic circumstance prevailing when the case was decided or the law was passed.

See Social Education March 1977, pages 173-174 for further details and for a lesson utilizing the case study approach.

C. Legal Case Brief

This process helps students to organize and examine the information they have on a particular case by outlining it or "briefing" it.

The teacher may decide whether to have students go through some or all of the following steps.

Components of a Legal Case Brief

1. Title of case or legal citation.

2. Important Facts. A description of what happened in the specific situation to cause a legal question to arise.

3. Issues. The legal questions raised which result from the factual situation.

4. Arguments. The positions presented by the opposing sides.

5. Decision. The court's answers on the issues.

6. Reasoning. The factors the court takes into account in reaching their decision.

See Gerlach and Lamprecht, Teaching About The Law, pages 149-150.

D. Clarifying Values and Attitudes

By their nature, legal conflicts are value conflicts, and choices between these conflicting values must be made. Oftentimes, the choices are between two desirable values. The problem is to decide which one is more important, given a particular set of time and place. This necessitates understanding one's own values, attitudes, beliefs, and opinions and those held by others.

The basis of clarification strategies is skillful questioning and discussion techniques.

1. Values Clarification Approach

According to Raths, Simon, and their associates, values clarification is an approach designed to help students prize and act upon their own freely chosen values. It emphasizes the process of valuing. A variety of techniques is employed which help students learn to:

a. Choose their values freely.
b. Choose their values from alternatives.
c. Choose their values after weighing the consequences of each alternative.
d. Prize and cherish their values.
e. Share and publicly affirm their values.
f. Act upon their values.
g. Act upon their values repeatedly and consistently.

One values clarification technique is rank order. It requires students to choose from alternatives and rank the alternatives in preferential order.

General Instructions:

List the following from most important to least important, according to your own viewpoint.

(The lists may consist of whatever is relevant to your unit of study. For example, individual rights in the Bill of Rights, ways of selecting judges or jurors, ways of reacting to a situation.)

General Discussion Questions:

a. What did you select as most important?
b. What did you select as least important?
c. Why did you select _____ most important? least important?
d. Where did you place the other items? Why?
e. What might we conclude about _____ on the basis of this lesson?

2. Cognitive Moral Development

Values are inherent in all judicial decisions. This approach takes the form of confronting students with moral dilemmas, situations in which students are led to think critically about their own value assumptions.

According to the Kohlberg hypothesis, moral development occurs in 6 stages of growth. His research indicates that the development of moral reasoning in the form of stage change occurs very slowly as a result of repeated exposure to higher stage reasoning.

Levels and Stages of Moral Development

Preconventional Level:

Stage 1: Punishment and obedience. At this stage, the physical consequences of doing something determine whether it is good or bad.

Stage 2: Personal usefulness. The right moral decision is one that satisfies one's own needs and occasionally the needs of others. Human relations are viewed in terms of exchanging favors or revenge. Stage 1 thought often involves elements of fairness, but always for pragmatic reasons.

Conventional Level:

Stage 3: Conforming to the will of the group -- Pleasing or helping others to get approval or avoid disapproval.

Stage 4: Law and order -- Obedience to rules for their own sake.

Principled Level:

Stage 5: Social Contract, Human Rights, and Welfare Orientation. Right action tends to be defined in terms of the basic and general values that have been agreed upon by the whole society. (For example, freedom, equality, etc.)

Stage 6: Personal Conscience. Right is defined by the decision of personal conscience in accord with general ethical principles that apply to all people everywhere, regardless of the group or nation in which a person resides.

General Guidelines:

a. Read, watch or listen to a moral dilemma.

b. Identify the nature of the dilemma.
   1) summarize the situation
   2) identify the protagonist and other characters
   3) clarify terms, facts
   4) describe alternative choices open to the protagonist

c. Tentatively, decide what the protagonist should do and state reasons for that position.

d. Share the decisions and reasons in small group discussions.

e. Large class discussion of the dilemma.

Questioning Strategies:

Use questions that will help students to think and clarify their value assumptions and to participate in class discussions. Some useful questions follow:

1) Perception checking: Anne, will you tell me in your own words what Uilani said?
2) Clarifying: What do you mean by "freedom"?
3) Role-Switch: Harry would want her to lie, you say. Would her mother want her to lie?
4) Interstudent-Participation: Kimo, do you agree with what Mari said?
5) Issue-Related: Is it ever all right to kill someone?
6) Universal-Consequence: What would our lives be if there were no rules?
7) Seeking reason: Why?

LEARNING ACTIVITIES

1. Use current news to discuss any of the following issues:

a. Freedom of Expression
(1) To what extent should rules of morality control what people see, read, and hear?
(2) Should the media be free to publish or telecast anything they wish?
(3) Should people be free to say things that might cause violence?
(4) Should everyone have the right to assemble anytime they wish?

b. Due Process
(1) Should police have the power to stop and search or question a person if they think the individual looks suspicious?
(2) Should police have the right to use force to arrest a person?
(3) Should students have the right to be heard if serious disciplinary measures will be taken against anyone?

c. Equal Protection/Equal Opportunity
(1) Should women have the same rights as men?
(2) Does everyone have equal protection? Who does not? Why not? What can be done about it?
(3) Should all people have the right to live where they choose? Should all people have the right to sell to whomever they choose?

2. Have students compare news articles, editorials, letters (on the same subject) to the editors of the local newspapers. What are the differences in the positions taken? What are the benefits of freedom of expression to the citizens?

3. Have students find out whether the community has any formal written rules governing who may parade and protest, when, and how. Do you think the rules are too restrictive?

4. Have class discussion: Should a student accused of cheating have the right to confront the accuser?

5. Research problems of minority groups in the community and examine if they are being discriminated against. Also, determine to what extent, if any, society is working to improve their condition.

6. Discuss: To what extent should we have control over our own bodies? For example, abortion, euthanasia (death with dignity), use of drugs (laetrile, saccharin).

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UNIT VI: PRACTICAL LAW

Overview

We are restrained and guided by laws everyday of our lives. In many ways, a complex and voluminous set of laws governs or influences our every action. It determines the registration of our births and the distribution of our possessions at death. It tells us how fast we can drive and who we can marry. It regulates the goods and services we buy, and seeks clean air for us to breathe. There is no end to the ways in which we are affected by the law.

The fact that the law touches us so closely and so frequently makes it desirable for citizens to have a general understanding of those areas which bear most closely on their daily lives.

This unit attempts to examine the practical laws which will be of use to students. It can help them gain a practical perspective on many of the legal problems which everyone faces in daily life. It also examines moral and ethical values and provides an opportunity for students to deal with fundamental questions of fairness, authority, and responsibility.

UNIT VI: PRACTICAL LAW

Teachers and students have the option of choosing the unit(s) of law they would like to study. General objectives and suggested topics for each unit of study are presented. Teachers and students are not limited to the units presented and may investigate other areas of law.

Objectives

1. Analyze the rationale and legal principles underlying the law and its procedures.
2. Explain how the laws affect our lives.
3. Recognize when your rights have been or are being violated and know what remedies are available.
4. Examine the law and how it can or should be improved.
5. Direct criticism into constructive channels.
6. Discuss and explore alternative solutions to problems involved.
7. Develop awareness that helping to solve the individual and societal problems is everyone's responsibility.

Consumer Law

1. What Consumers Can Do
   a. The consumer himself
   b. Government agencies
   c. Private agencies
2. Advertising
   a. How advertising influences consumers
   b. Advertising techniques
3. Deceptive Sales Practices
4. Credit
   a. Interest rates
   b. Other finance charges
   c. Credit problems
   d. Who can obtain credit
5. Making a Contract
   a. Elements of a Contract
   b. Minors and contracts
   c. Contracts unenforceable in Court
   d. Written and oral contracts
   e. Breach of contract
6. Collection Practices

7. Bankruptcy

Criminal Law

1. What is a crime?

2. Gallery of crime
   a. Homicide
   b. Assault and Battery
   c. Kidnapping
   d. Disorderly conduct
   e. Theft
   f. Sex offenses
   g. Drug offenses
   h. Burglary

3. Punishment
   a. Theories for imprisonment
   b. Criminal penalties

4. Defenses
   a. Self defense
   b. Intoxication
   c. Insanity

5. Criminal Justice Process
   a. Search and seizure
   b. Arrest
   c. Preliminary proceedings
      1) Bail
      2) Grand jury
      3) Plea Bargaining
      4) Granting immunity
   d. Interrogations and confessions
   e. Trial
   f. Sentencing
   g. Appeal

6. Prison Law
   a. Prisoner's Rights
   b. Parole

7. Juvenile Law
   a. Juvenile legal procedure
   b. Juvenile court
      1) Underlying theory
      2) Procedures
      3) Jurisdiction over situations and ages

Family Law

1. Courtship
   a. Legal aspects of adolescent dating
   b. Engagement to marry and breach of promise suits

2. Getting Married
   a. Who may marry?
   b. Ceremonial marriage
   c. Common-law marriage

3. Relations between husbands and wives
   a. Marriage contract
   b. Rights and duties of husbands and wives

4. Relations between parents, children, and schools
   a. Rights of unborn children, illegitimate, adopted and step-children
   b. Rights and duties of parents
   c. Government support for needy families
   d. Inheriting family property
   e. Law concerning birth control and abortion
   f. Obligation to educate children
   g. Injuries within families (including child abuse)
   h. Guardians, foster homes and full-time child care institutions

5. Obligations to relatives other than your children

6. Ending marriage
   a. Separation agreements
   b. Annulment
   c. Divorce
   d. Custody
   e. Child support, alimony, property division

7. Enforcing Family Court orders

8. The future of the family

Motor Vehicle Law

1. Operating your automobile
   a. Licenses to drive
   b. Traffic ordinances and driving regulations
   c. Reckless driving
   d. Traffic laws for pedestrians
   e. Legal defense against traffic violation charges
   f. Ownership and operation of motorcycles

2. Owning an automobile
   a. Registration
   b. Obligation to maintain a mechanically safe automobile
   c. Warranties

3. Automobile accidents
   a. Hit-and-run accidents
   b. If you are involved in an accident
   c. Filling out the accident report
   d. When to consult a lawyer after an accident

4. Liability and damage claims arising from automobile accidents
   a. Negligence and liability
   b. Measuring damages

5. Automobile insurance
   a. Financial responsibility laws
   b. Factors that affect your insurance costs
   c. What to do if your car is stolen

Environmental Law

1. National Policy on Environment
   a. The National Environmental Policy Act (NEPA)
   b. Council on Environmental Quality (CEQ)
   c. Environmental Protection Agency (EPA)

2. State Environmental Laws

3. Types of Pollution and Controls
   a. Air pollution
   b. Water pollution
   c. Land pollution
   d. Noise pollution
   e. Pesticides
   f. Zoning laws
   g. Cultural environment
   h. The future of the environment

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CONCLUDING LESSON: FUTURE PERSPECTIVES ON LAW

Overview

The future is important to all of us since it is where we will spend the remainder of our lives. Students in school today may spend more than half their lives in the twenty-first century and they need to be prepared for the future that could be as different from today as today is from early twentieth century.

In a rapidly changing society, we must critically inquire into the issues of our time since our choices involve consequences for the future.

We must also begin to examine the direction of change, anticipate future problems, and begin the design of alternative solutions so that society has more options and its citizens are better prepared for the future.

If law is to serve the needs of the people, then we must think imaginatively and creatively about the orientation of law and the administration of justice.

While a future perspective may be included as part of the previous units, this lesson can serve as a conclusion to the unit by providing an opportunity for students to synthesize their ideas, and judgments about the issues studied, and to assess the possible consequences of those judgments.

CONCLUDING LESSON: FUTURE PERSPECTIVES ON LAW

What are the forecasts for the future?
Which ones do I consider more desirable? What kind of government do I want?
What can I do to help create the kind of future I want?

Generalizations

1. The challenges of social issues demand critical inquiry and the choices involve consequences for the future.

2. Forecasting probable futures is just the first step. Trends can be reversed or changed by the citizens.

3. A democracy that doesn't anticipate the future cannot survive.

Objectives

1. Evaluate forecasts for the future and choose those you consider desirable. Decide on how best to encourage the people toward that kind of government.

2. Given a particular set of assumptions, speculate on and assess the type of society that is likely to emerge.

3. Anticipate future problems and suggest alternative solutions.

4. Make judgments about the issues studied, and assess the possible consequences of those judgments.

LEARNING ACTIVITIES AND MATERIALS

1. Have students consider the forecast for the future and dissenting opinions. Have students consider their own forecast.

   See Hellfach, The Future of the Government. Includes forecasts dealing with citizen participation in government, power of the federal government, equality, emergence of new power groups, centralized economic planning. Good for teacher reference and for advanced students.

2. Give students a hypothetical scenario of the future (of a technological breakthrough). Have students list all the possible advantages and all the possible disadvantages of the situation.

   Have students select the most important points from the list.

   Questions: How would the Constitution aid or impede making the situation a reality? What alternatives are there to deal with the situation?

Select one alternative and describe the future likely to result from the selected alternative.

See "Law in the 21st Century, Social Education March 1977, pages 177-178.

3. Have students read an excerpt from Martin Luther King's speech "....I still have a dream ....". Discuss: How close have we come to achieving his dream? What progress have we made toward equality? What still needs to be done? What can you do on your own? What should government do?

   Source: SCHOLASTIC AMERICAN CITIZENSHIP PROGRAM, Jantzen, Politics and People, pages 157-158.

4. List the following problems which threaten world survival: Poverty, limited resources, overpopulation, pollution, nuclear arms race. (Students may add additional items to the list.) Discuss: Is there one problem that is more serious than all the others? Is there any one which is a problem only to the United States? Is there any one which is not a problem to the United States? What can we as individual citizens do?

   For a fuller discussion see SCHOLASTIC AMERICAN CITIZENSHIP PROGRAM, Jantzen, Politics and People, pages 157-171.

5. Discuss what changes in law and government are desirable in Hawaii?

   For teacher reference, see Chaplin, editor., Hawaii 2000 Continuing Experiment in Anticipatory Democracy, pages 225-233.

6. Scientific advances have opened up wonderful opportunities and new dangers for the future. What, if anything, should be done? For example, cloning, use of chemicals to keep the body young.

   See SCHOLASTIC AMERICAN CITIZENSHIP PROGRAM, Jantzen, Politics and People, pages 172-173.

7. Have students express -- collage, essay, skit, etc. -- their viewpoint of citizenship in our society.

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